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UNCLAS SECTION 01 OF 02 THE HAGUE 000265

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SENSITIVE

STATE FOR EUR/OHI(BECKER), EUR/UBI

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SUBJECT: HOLOCAUST ART RESTITUTION: DUTCH RETURN PAINTINGS
FROM FAMED GOUDSTIKKER COLLECTION

REF: ENSTROM-BECKER EMAILS

1. (SBU) SUMMARY. In a historic move, the Dutch government announced on February 6 the return of 202 of some of the greatest Dutch, Flemish, and Italian paintings to the heirs of Jacques Goudstikker, a Dutch Jewish art collector and dealer who fled the Netherlands during World War II. While the decision will affect collections in many of the Netherlands' leading museums, State Secretary for Culture van der Laan defended the decision as the right thing to do. The Embassy played a supporting role in the final decision-making process by reinforcing with key GONL contacts the importance of upholding internationally recognized principles of holocaust art restitution and the use of alternative dispute mechanisms (such as the Dutch Restitution Commission) to reach settlements in such cases. END SUMMARY.

A LONG CAMPAIGN

2. (U) On February 6, Dutch State Secretary for Culture, Education and Science (MinCul) van der Laan announced that the Dutch government would return 202 of the 267 works of art claimed by American Citizen Marei von Saher-Langebein. The announcement supports a December 19 decision by the Advisory Committee on the Assessment of Restitution Applications for Items of Cultural Value and the Second World War (Restitution Committee). Von Saher-Langebein is the widow of Eduard van Saher, the only son and sole heir of the Dutch Jewish art collector Jacques Goudstikker. Goudstikker was the sole managing director and principal shareholder of the trading stock of the Goudstikker Gallery, one of the most important art dealerships in the Netherlands during the period between the two World Wars with an estimated 1,113 works of art. After Goudstikker fled the Netherlands in 1940 and died on board a ship en route to safety, his staff sold the entire property (art works, buildings, and land) of the trading stock, mainly to Germans Alois Miedl and Hermaan Goering, under disputable circumstances.

3. (U) The decision marks the end of an eight-year campaign by von Saher-Langebein to regain the art works that were returned to the Netherlands after World War II and retained by the Dutch Government as part of its National Collection. Both the Dutch Government and the Court of Appeals of The Hague had rejected earlier claims. Of the 267 works of art, the Restitution Committee determined that there was evidence to support von Saher's claims to 206 of these paintings. Four of the paintings are missing and cannot be returned at this time, although they do still qualify for restitution according to the Restitution Committee. An estimated 1,000 works from the Goudstikker Collection are still missing.
(See www.restitutiecommissie.nl/advies for further background on the case and the decision.)

4. (U) The decision to return the paintings will affect the collections in several of the Netherlands' leading museums, including the Rijksmuseum in Amsterdam, the Mauritshuis in The Hague, the Frans Hals Museum near Haarlem, the Museum Boijmans van Beuningen in Rotterdam, and, especially, the Bonnefantenmuseum in Maastricht. The works include paintings by Jan Steen, Filippo Lippi, Anthony Van Dyck, Salomon van Ruysdael, Jan Mostaert, and Jan van Goyen. According to the MinCul, these museums will not receive compensation for their loss of the paintings.

5. (U) The Dutch government established in 2001 a committee of eminent jurists (The Pollack Commission) to research the provenance of disputed objects and advise the MinCul on claims regarding art/decorative objects restituted to the Netherlands after World War II (the so-called NK Collection). The committee issued its advice on the basis of government guidelines (Ekkart Committee guidelines) designed to translate international holocaust art principles into a specific Dutch context. The work of this committee ended in 2004 and a Restitution Committee was established to advise on any future cases. Upon the agreement of both the claimant and the current possessor, this committee can act

as the arbitrator in resolving ownership cases. Since January 2002, the committee has received 41 cases and issued advice in 22 of these cases.

THE RIGHT THING TO DO

16. (SBU) When announcing the decision to the press, State Secretary van der Laan noted that it was a morally correct

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action, despite the "bloodletting" that it would entail for many Dutch museums. The decision also did not come easily, however, as Justice Minister Donner, at the last minute, tried to delay a final February 3 Cabinet approval of the Restitution Committee's recommendation.

17. (SBU) Throughout the final days of the decision-making process, the Embassy remained in close contact with representatives of von Saher-Langebein, the Justice Ministry, and the MinCul to reinforce the importance of upholding internationally recognized principles of holocaust art restitution and the use of alternative dispute mechanisms (such as the Restitution Commission) to reach settlements in such cases. In a February 7 conversation, MinCul contacts said they would be calling von Saher-Langebein's lawyers to arrange a meeting in the near future with State Secretary van der Laan to discuss next steps in the return of the art works.

BLAKEMAN